

CROCKETT & ASSOCIATES
Robert D. Crockett (SBN 105628)
bob@bobcrockettlaw.com
Brian D. Walters (SBN 227435)
waltersb@bobcrockettlaw.com
Jackie K. M. Levien (SBN 301239)
levienj@bobcrockettlaw.com
Chase T. Tajima (SBN 304063)
chase@bobcrockettlaw.com
23929 Valencia Boulevard, Suite 303
Valencia, California 91355
Tel: (323) 487-1101
Fax: (323) 843-9711

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOE 1, an individual; DOE 2, an
individual; DOE 3, an individual; DOE
4, an individual; Doe 5, an individual;
and DOE 6, an individual,

Plaintiffs,

v.

SUPERIOR COURT OF
CALIFORNIA, COUNTY OF
ORANGE, a California public entity,

Defendant.

CASE NO.: 8:18-cv-01499

**COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS**

Plaintiffs hereby allege, by and through their undersigned counsel, for their
Complaint as follows:

INTRODUCTION

1. On May 17, 2018, the Superior Court of California, County of
Orange, the Honorable John C. Gastelum presiding, issued an order (the “May 17
Order,” attached hereto as **Exhibit B**) on a motion for a protective order in *Roe I*

1 *vs. Defendant Doe 1, Congregation, et al.*, Case No. 30-2014-00741722-CU-PO-
 2 CJC (the “State Litigation”). In the State Litigation, plaintiff Roe 1 alleges that
 3 defendant Does 1-3 are responsible, directly or indirectly, for sexual abuse
 4 involving one of Jehovah’s Witnesses from 1994-1998.

5 2. During the course of the State Litigation, Roe 1 propounded discovery
 6 requests seeking documents from Doe 2, the Jehovah’s Witnesses’ supervisory
 7 organization, Watchtower Bible and Tract Society of New York (“Watchtower”),
 8 that relate to allegations of sexual abuse.

9 3. On February 21, 2018, Watchtower filed a motion for a protective
 10 order for relief from responding to certain of Roe 1’s requests for production of
 11 documents on grounds that responses thereto would violate the clergy-penitent
 12 privilege and violate the constitutionally-protected privacy rights of individuals
 13 identified in the responsive documents.

14 4. The Court’s May 17 Order partially granted and partially denied
 15 Watchtower’s motion for a protective order, and ultimately ordered that
 16 Watchtower produce documents without redactions, except for the names and
 17 personal identifying information of potential victims, certain elders in the
 18 congregation, and third-party victims and participants.

19 5. The May 17 Order prohibits Watchtower from redacting the names of,
 20 for example, family members of victims, who frequently share last names with
 21 victims, Congregation members and friends the disclosure of whose names would
 22 disclose victims’ names or otherwise cause the victims to be identifiable.

23 6. Plaintiffs are members of some of the congregations of Jehovah’s
 24 Witnesses that supplied the documents at issue in the State Litigation to
 25 Watchtower (the “Congregations”). Each one of them is named, identified, or
 26 described in the documents that must be produced pursuant to the May 17 Order,
 27 and each one of them faces a serious risk that their privacy will be violated if the
 28 documents are produced without the redactions requested herein. Three of them are

1 victims whose names will be redacted, and yet each faces a risk of identification
 2 because the names of their family members will not be redacted. The other three
 3 are family members of victims who are concerned for their own privacy and for the
 4 privacy of their victim family members. All six Plaintiffs are mentioned in the
 5 documents in the context of sexual abuse, assault, and molestation—allegations
 6 that expose Plaintiffs to extreme harassment, humiliation, ridicule, social
 7 stigmatization, and physical and emotional distress, and that infringe upon their
 8 religious freedoms.

9 7. By this Complaint, Plaintiffs ask this Court to enjoin Defendant
 10 Superior Court of California, County of Orange, from enforcing the May 17 Order
 11 as currently issued, on grounds that the May 17 Order violates the constitutionally
 12 protected rights to privacy and religious liberty of Plaintiffs in violation of 42
 13 U.S.C. § 1983, the United States Constitution, the Constitution of the State of
 14 California, and California law.

15 **PARTIES**

16 8. Plaintiffs are individual members of the Congregations. Plaintiffs are
 17 permitted to bring this Complaint under pseudonymous names pursuant to *Does I*
 18 *thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058 (9th Cir. 2000).

19 9. Defendant Superior Court of California, County of Orange
 20 (hereinafter “Defendant”), is a public entity located and/or operating in the County
 21 of Orange and created and/or existing under the laws of the State of California.

22 **JURISDICTION AND VENUE**

23 10. This Court has subject matter jurisdiction over this action pursuant to
 24 28 U.S.C. §§ 1331, 1343, 1367 and 42 U.S.C. § 1983.

25 11. Venue is proper in the Central District of California under 28 U.S.C. §
 26 1391(b) because Defendant is an Orange County entity and/or the events or
 27 omissions giving rise to the claims herein occurred in this District.

28

FACTUAL ALLEGATIONS

Watchtower and the 1997 Body of Elder Letter

12. Watchtower is a non-profit organization whose purpose is supporting the faith of Jehovah's Witnesses. On March 14, 1997, in an effort to ensure the spiritual cleanness and purity of the congregations of Jehovah's Witnesses in the United States, Watchtower distributed a letter to approximately 10,000 congregations of Jehovah's Witnesses (the "1997 Body of Elder Letter") instructing elders (spiritually-qualified men who take the lead in individual congregations) to send a written report to Watchtower about "anyone who is currently serving or formerly served in a [Watchtower]-appointed position in your congregation who is known to have been guilty of child molestation in the past." Watchtower instructed that this information should be kept in extreme confidence. The 1997 Body of Elder Letter also reminded elders of prior letters stating that when a known child molester moves to another congregation, a letter of introduction should be sent to the new congregation and a copy of the letter should be sent to Watchtower. A copy of this letter is attached hereto as Exhibit A.

13. In response to the 1997 Body of Elder Letter, thousands of pages of reports were written and sent to Watchtower. Many of the reports include deeply private details regarding individual Jehovah's Witnesses' experiences with sexual assault, sexual abuse, and molestation. Additionally, many of the reports include names and information about victims, perpetrators, individuals who were thought to be victims or perpetrators but in fact were not, and all sorts of third parties, including family members, friends, the elders in whom the Witnesses confided, Bible teachers, and other members of the community and/or congregation.

14. In addition, in the faith of Jehovah's Witnesses, on occasion congregation elders would send correspondence to Watchtower seeking the spiritual assistance and spiritual and Scriptural guidance of experienced elders in handling matters involving congregants who engaged in conduct that represented a

serious deviation from Biblical standards (including the sin of child abuse) separate and apart from the 1997 Body of Elder Letter. That correspondence was intended to be and was recognized by all parties involved as confidential and restricted from general circulation. When the correspondence addressed the sin of child abuse, it also contained information that was extremely private and potentially deeply humiliating or damaging. It included names and information about victims, perpetrators, individuals who were thought to be victims but in fact were not, and all sorts of third parties, including family members, friends, the elders in whom congregants confided, Bible teachers, and other members of the community and/or congregation.

The State Litigation and the Zalkin Law Firm's Violations of Protective Orders

15. On August 25, 2014, plaintiffs Roe 1 and Roe 2, who attended some meetings but were never Jehovah's Witnesses, initiated the State Litigation against defendants Does 1-3, who are a congregation of Jehovah's Witnesses, an alleged perpetrator, and Watchtower (identified in the State Litigation as "the supervisory organization"). The State Litigation is a civil dispute between private parties in which the State of California is not a party, intervenor, or real party in interest. It is not a criminal or quasi-criminal proceeding.

16. During the course of the State Litigation, plaintiff Roe 1 propounded on Watchtower two requests for production of documents of relevance here. Request No. 18 seeks "[a]ll letters, emails, facsimiles, or other documentary, tangible, or electronically stored information of any kind, Watchtower Bible and Tract Society of New York, Inc. received in response to the Body of Elder Letter Dated March 14, 1997," ("RFP No. 18"). Request No. 19 seeks "[a]ny and all individual written accounts, reports, summaries, letters, emails, facsimiles, and records, whether or not compiled, concerning reports of sexual abuse of children by members of the Jehovah's Witnesses, including but not limited to, Governing

1 Body members, district overseers, circuit overseers, elders, ministerial servants,
2 pioneers, publishers, baptized publishers, and individuals from the time period of
3 1979 to the present,” (“RFP No. 19”).

4 17. On February 21, 2018, Watchtower filed a motion for a protective
5 order for relief from responding to RFP Nos. 18 and 19 on grounds that responses
6 thereto would violate the clergy-penitent privilege and violate the constitutionally-
7 protected privacy rights of individuals identified in the responsive documents.

8 18. In support of Watchtower’s motion for a protective order, Joel M.
9 Taylor, Watchtower’s in-house counsel, submitted a declaration stating that
10 Watchtower had evidence that the Zalkin Law Firm (“Zalkin”), counsel for
11 plaintiffs in the State Litigation, would use any documents produced in response to
12 RFP Nos. 18 and 19 in a manner that violated the existing protective order and/or
13 the privacy of the people identified in the documents because Mr. Devin Storey, a
14 member of Zalkin, informed Mr. Taylor that Zalkin would file any produced
15 documents as exhibits to a motion under seal and would then move to have the
16 exhibits unsealed. As set forth in Mr. Taylor’s declaration, Mr. Storey also
17 informed Mr. Taylor that if the motion to unseal the exhibits failed, his law firm
18 knew a member of the press, Trey Bundy, and that the firm would work with Mr.
19 Bundy to file a motion on behalf of the press to have the exhibits unsealed and
20 release the documents into the public domain. Mr. Taylor’s declaration also
21 submitted evidence demonstrating that Mr. Irwin Zalkin of the Zalkin firm had
22 already used documents substantially similar to the documents that would be
23 produced in the State Litigation (which themselves were produced in an earlier
24 related case) in a manner that violated an applicable protective order for the
25 purpose of aiding him in another lawsuit, and had discussed those documents in a
26 public interview with Mr. Bundy.

27 19. Publication of the documents could have deleterious effects on abuse
28 victims and others.

1 **The May 17 Order**

2 20. Notwithstanding Mr. Taylor's declaration and the declarations of Drs.
3 Cohen and Younggren, on May 17, 2018, the Court issued an order partially
4 denying and partially granting Watchtower's motion for a protective order as
5 follows: with respect to RFP No. 18, Watchtower was ordered to respond to the
6 request and to "redact the names and personal identifying information of potential
7 victims of molestation and the names of the elders in the congregation who
8 authored the responses to protect third-parties' right to privacy." With respect to
9 RFP No. 19, the Court limited "any document production to the terms as follows:
10 (1) redaction of personally-identifying information for alleged third-party victims
11 and third party participants; (2) a protective order to govern use of such documents
12 (*i.e.*, use and dissemination is limited for purposes of this litigation only); and (3) a
13 limited scope of time from 1989-1999." With respect to both requests, the Court
14 ordered that use and dissemination of any responsive documents be limited for
15 purposes of the litigation only.

16 21. Pursuant to the May 17 Order, Watchtower is obligated to produce
17 documents responsive to RFP Nos. 18 and 19 and is prohibited from redacting the
18 names or identifying information of anyone who is not a victim, or an elder who
19 authorized or signed the correspondence.

20 **The Impacts of the May 17 Order on Plaintiffs**

21 22. Plaintiff Doe 1 is a member of a congregation of Jehovah's Witnesses.
22 Plaintiff Doe 1 is the father of a victim, a wholly disinterested person and non-
23 party to the State Court Litigation who, on information and belief, is named,
24 identified, or otherwise described in Document 1, a document that is currently
25 subject to production without redactions relating to Plaintiff Doe 1 under the May
26 17 Order. On information and belief, Document 1 states that in approximately late
27 1996 or early 1997, Plaintiff Doe 1 was accused of, investigated for, and
28

1 exonerated of, sexual abuse of his daughter, Plaintiff Doe 2, after she sustained a
 2 bruise injury to her vagina while riding a bicycle. During the course of the secular
 3 investigation conducted by social services and the police, as well as the spiritual
 4 investigation conducted by elders of a Congregation, Plaintiff Doe 2 admitted that
 5 she had engaged in masturbation, had played in a sexual manner with a toy stuffed
 6 rabbit, and that she had watched sexually explicit movies that initiated her sexual
 7 thoughts and conduct. Plaintiff Doe 2 told the investigators that her father, Plaintiff
 8 Doe 1, had never touched her inappropriately in any way. Pursuant to the
 9 recommendation of the social services investigators, the District Attorney declined
 10 to file charges against Plaintiff Doe 1 and he was exonerated. Because Plaintiff
 11 Doe 1 is not a victim or other person subject to redaction under the May 17 Order,
 12 Watchtower will not be permitted to redact Plaintiff Doe 1's name when Document
 13 1 is produced. If this Court does not enjoin the May 17 Order and require that, at
 14 minimum, Plaintiff Doe 1's name and other identifying information (such as his
 15 wife's name) be redacted, the information in Document 1 will become known to
 16 attorneys, experts, and possibly others in the State Litigation and elsewhere, and
 17 Plaintiff Doe 1 will face a serious risk of extreme harassment, humiliation, ridicule,
 18 social stigmatization, professional repercussions such as job loss or reputation
 19 harm, and physical and emotional distress. Such an intrusion in this deeply
 20 personal and private matter that was intended for religious review would inhibit
 21 Plaintiff Doe 1 and his family's ability to freely exercise their faith without fear of
 22 government intervention. Moreover, Plaintiff Doe 2's identity will become known
 23 because, even though her name will be redacted as a victim, she shared her father's
 24 last name at the time. Plaintiff Doe 1 is concerned for his privacy as well as that of
 25 his daughter, Plaintiff Doe 2.

26 23. Plaintiff Doe 2 is a member of a congregation of Jehovah's Witnesses.
 27 Plaintiff Doe 2 is a victim and, on information and belief, is named, identified, or
 28

1 otherwise described in Document 1,¹ a document that is currently subject to
 2 production without redactions relating to Plaintiff Doe 2's father, Plaintiff Doe 1,
 3 under the May 17 Order. On information and belief, Document 1 states that in
 4 approximately 1997, Plaintiff Doe 1 was accused of, investigated for, and
 5 exonerated of, sexual abuse of his daughter, Plaintiff Doe 2, after she sustained a
 6 bruise injury to her vagina while riding a bicycle. During the course of the secular
 7 investigation conducted by social services and the police, and a spiritual
 8 investigation conducted by elders of the Congregation, Plaintiff Doe 2 admitted
 9 that she had engaged in masturbation, had played in a sexual manner with a toy
 10 stuffed rabbit, and that she had watched sexually explicit movies that initiated her
 11 sexual thoughts and conduct. Plaintiff Doe 2 told the investigators that her father,
 12 Plaintiff Doe 1, had never touched her inappropriately in any way. Pursuant to the
 13 recommendation of the social services investigators, the District Attorney declined
 14 to file charges against Plaintiff Doe 1 and he was exonerated. As a victim, Plaintiff
 15 Doe 2's name will be redacted when Document 1 is produced under the May 17
 16 Order, but her father's will not. If this Court does not enjoin the May 17 Order and
 17 require that, at minimum, Plaintiff Doe 1's name and other identifying information
 18 (such as his wife's name) be redacted, the information in Document will become
 19 known to attorneys, experts, and possibly others in the State Litigation and
 20 elsewhere, and Plaintiff Doe 2's identity will become known because, even though
 21 her name will be redacted as a victim, she shared her father's last name at the time.
 22 Plaintiff Doe 2 will, therefore, face a serious risk of extreme harassment,
 23 humiliation, ridicule, social stigmatization, professional repercussions such as job
 24 loss or reputation harm, and physical and emotional distress. Such an intrusion in
 25 this deeply personal and private matter that was intended for religious review

26
 27 ¹ As Plaintiffs Does 1 and 2 are both named or identified in Document 1, this Complaint
 28 intentionally omits any reference to a Document 2 for the sake of clarity. Instead,
 allegations pertaining to Plaintiff Doe 3 are made with reference to Document 3,
 allegations pertaining to Plaintiff Doe 4 are made with reference to Document 4, and so
 forth.

1 would inhibit Plaintiff Doe 2's ability to freely exercise her faith without fear of
2 government intervention. Plaintiff Doe 2 is concerned for her privacy.

3 24. Plaintiff Doe 3 is a member of a congregation of Jehovah's Witnesses.
4 Plaintiff Doe 3 is a victim and, on information and belief, is named, identified, or
5 otherwise described in Document 3, a document that is currently subject to
6 production without redactions relating to Plaintiff Doe 3's parents under the May
7 17 Order. On information and belief, Document 3 states that Plaintiff Doe 3 was
8 sexually abused for years by her father, who fondled her breasts and touched her in
9 the vaginal area. As a victim, Plaintiff Doe 3's name will be redacted when
10 Document 3 is produced under the May 17 Order, but her father's and mother's
11 will not. If this Court does not enjoin the May 17 Order and require that, at
12 minimum, Plaintiff Doe 3's parents' names and other identifying information to be
13 redacted, the information in Document 3 will become known in the State Litigation
14 and Plaintiff Doe 3's identity will become known because, even though her name
15 will be redacted as a victim, the identity of the victim referred to in Document 3
16 will be abundantly clear. Plaintiff Doe 3 will, therefore, face a serious risk of
17 extreme harassment, humiliation, ridicule, social stigmatization, and physical and
18 emotional distress. Old wounds would be unnecessarily reopened. Plaintiff Doe 3
19 is concerned for her privacy since the abuse ended long ago in 1977.

20 25. Plaintiff Doe 4 is a member of a congregation of Jehovah's Witnesses.
21 Plaintiff Doe 4 is the father of a victim and, on information and belief, is named,
22 identified, or otherwise described in Document 4, a document that is currently
23 subject to production without redactions relating to Plaintiff Doe 4 under the May
24 17 Order. On information and belief, Document 4 states that for years, starting in
25 1985, Plaintiff Doe 4's daughter was sexually abused more than 40 times by
26 another member of the Congregation, who made her perform oral sex on him and
27 was ultimately disfellowshipped after an investigation by the elders of the
28 Congregation. This perpetrator was prosecuted and sentenced to prison for 30

1 years and was released after 16 years. The perpetrator is now living in the victim's
2 community as a registered sex offender. Because Plaintiff Doe 4 is not a victim or
3 other person subject to redaction under the May 17 Order, Watchtower will not be
4 permitted to redact Plaintiff Doe 4's name when Document 4 is produced. If this
5 Court does not enjoin the May 17 Order and require that, at minimum, Plaintiff
6 Doe 4's name and other identifying information be redacted, the information in
7 Document 4 will become known in the State Litigation and Plaintiff Doe 4 will
8 face a serious risk of extreme harassment, humiliation, ridicule, social
9 stigmatization, professional repercussions such as job loss or reputation harm, and
10 physical and emotional distress. Moreover, Plaintiff Doe 4's daughter's identity
11 will become known because, even though her name will be redacted as a victim,
12 she shares her father's last name. Plaintiff Doe 4 is concerned for his privacy as
13 well as that of his daughter, who, as a result of the abuse, has become an alcoholic,
14 has attempted suicide, and cannot live without adult support.

15 26. Plaintiff Doe 5 is a member of a congregation of Jehovah's Witnesses.
16 Plaintiff Doe 5 is a victim and, on information and belief, is named, identified, or
17 otherwise described in Document 5, a document that is currently subject to
18 production without redactions relating to Plaintiff Doe 5's brother under the May
19 17 Order. On information and belief, Document 5 states that Plaintiff Doe 5,
20 starting in the early 1960s, was sexually abused by her brother starting from when
21 she was 12 and he was 14 years old. The abuse lasted for two years. As a victim,
22 Plaintiff Doe 5's name will be redacted when Document 5 is produced under the
23 May 17 Order, but her brother's will not. If this Court does not enjoin the May 17
24 Order and require that, at minimum, Plaintiff Doe 5's brother's name and other
25 identifying information be redacted, the information in Document 5 will become
26 known in the State Litigation and Plaintiff Doe 5's identity will become known
27 because, even though her name will be redacted as a victim, she shares her
28 brother's last name. Plaintiff Doe 5 will, therefore, face a serious risk of extreme

1 harassment, humiliation, ridicule, social stigmatization, professional repercussions
2 such as job loss or reputation harm, and physical and emotional distress. Plaintiff
3 Doe 5 is concerned for her privacy.

4 27. At all relevant times, Plaintiff Doe 6 was a member of a congregation
5 of Jehovah's Witnesses. On information and belief, Plaintiff Doe 6 and his two
6 sons are named, identified, or otherwise described in Document 6, a document that
7 is currently subject to production without redactions relating to Plaintiff Doe 6 or
8 his older son under the May 17 Order. On information and belief, Document 6
9 states that when Plaintiff Doe 6's older son was 12 years old, he watched a
10 television program concerning different religious practices. From that television
11 program, his son somehow got the idea to put his mouth on his infant brother's
12 genitals. Although the conduct was not intentionally sexual in nature, Plaintiff
13 Doe 6's older son was spiritually troubled by his behavior throughout his early teen
14 years, until he finally confessed to his father and some elders from their
15 Congregation about what he had done. Plaintiff Doe 6 provided information about
16 his son's actions toward his infant brother to the elders of his Congregation to seek
17 help ensuring all concerned retained a healthy relationship with God. Some of the
18 information shared with congregation elders was, on information and belief, put
19 into Document 6. On information and belief, the letter was written so that the
20 elders could seek spiritual direction and advice from elders assisting Watchtower
21 regarding whether Plaintiff Doe 6's older son should be considered an abuser,
22 which was not clear given his youth and the limited nature of the conduct. Plaintiff
23 Doe 6 and his older son provided that information to receive spiritual guidance and
24 reprieve, fully believing that it would be kept in extreme confidence, and would be
25 shared only among the elders who were involved and the elders at Watchtower.
26 Because Plaintiff Doe 6 and his older son are not victims or other persons subject
27 to redaction under the May 17 Order, Watchtower will not be permitted to redact
28 Plaintiff Doe 6's name or that of his older son when Document 6 is produced. If

1 this Court does not enjoin the May 17 Order and require that, at minimum, Plaintiff
2 Doe 6's name, the name of his older son, and other identifying information be
3 redacted, Plaintiff Doe 6's younger son will be easily identified, even if his name is
4 redacted, as they share the same last name. His involvement in a spiritual
5 investigation into childhood conduct, and the details of that conduct, will become
6 known to attorneys, experts, and possibly others in the State Litigation and
7 elsewhere. Such a secular examination of this deeply personal and private matter
8 that was solely intended for religious review would inhibit their family's ability to
9 freely exercise their faith without fear of government intervention, including
10 having privately confessed concerns to their spiritual leaders not kept confidential.
11 As Jehovah's Witnesses, they deeply believe that confession to the elders and
12 repentance are essential to attain to salvation. To this day, Plaintiff Doe 6's
13 younger son, who is now an adult, is unaware of the investigation or his older
14 brother's one-time physical contact, as he was just an infant at the time and no one
15 has ever discussed this matter with him. Plaintiff Doe 6 is thus gravely concerned
16 about the impact on his younger son's privacy and well-being if Document 6 is
17 produced without redacting his name and his older son's name. Moreover,
18 Plaintiff Doe 6's younger son currently has a good relationship with his brother,
19 and Plaintiff Doe 6 is concerned that their relationship could be damaged if
20 Document 6 becomes known. Likewise, Plaintiff Doe 6 is concerned for his older
21 son's privacy and his own if Document 6 becomes known. They have a reasonable
22 fear of extreme harassment, humiliation, ridicule, social stigmatization,
23 professional repercussions such as job loss or reputation harm, and physical and
24 emotional distress if Document 6 is produced without redacting Plaintiff Doe 6's
25 name and his older son's name. Plaintiff Doe 6 has grave concerns about his
26 privacy rights, as well as those of both his sons, and wants to protect the voluntary
27 confession of his son who was seeking spiritual reprieve, a confession Plaintiff
28 Doe 6 encouraged him to make in complete confidentiality to their spiritual

1 leaders.

2 28. Moreover, given the statements made by Mr. Storey to Mr. Taylor, as
3 set forth in Mr. Taylor's declaration in the State Litigation, and the other conduct
4 of the Zalkin Law Firm, Plaintiffs are concerned that Documents 1-6 will be used
5 in a manner that violates the protective order entered in the State Litigation and/or
6 their privacy, as the Zalkin Law Firm has made clear its desire to get the
7 documents into the public domain, without any regard for the harm that would
8 cause to Plaintiffs and other individuals identified in the documents.

9 **The May 17 Order's Other Impacts on Victims of Abuse**

10 29. To be sure, disclosure of any scintilla of third party information,
11 including but not limited to the names of the individuals or even the congregations
12 involved, could have far-reaching and traumatic consequences for victims of
13 abuse. Documentation filed in the State Litigation indicates, and Plaintiffs herein
14 confirm, that Congregations bear the name of the areas in which they are located,
15 and they are comprised of small numbers of fellow-worshippers. Thus, the
16 identification of Congregations in the documents at issue would necessarily lead to
17 the identification of the victims and others involved.

18 30. It is not difficult to imagine the horrors survivors of abuse could
19 experience if they woke up one morning and discovered that deeply personal and
20 private matters they had discussed in a confidential religious setting were now
21 publicly available on the Internet. That is the avowed purpose of the Zalkin Law
22 Firm in the State Litigation. Production pursuant to the May 17 Order, as currently
23 issued, creates a genuine risk that a survivor may engage in self-harm or commit
24 suicide.

25 **COUNT 1 – U.S. CONST. AMENDS. IV, V, XIV**

26 31. Plaintiffs repeat, reallege, and incorporate the allegations in
27 paragraphs 1-30 as if fully set forth herein.

28 32. By compelling the disclosure of the names or other identifying

1 information of Plaintiffs or their family members, Defendant will unlawfully and
 2 substantially deprive Plaintiffs of the privacy rights secured by the IV, V, and XIV
 3 Amendments of the United States Constitution, in violation of 42 U.S.C. § 1983.

4 33. Plaintiffs have no adequate remedy at law to avert this harm. Plaintiffs
 5 are entitled to a declaratory judgment and injunctive relief prohibiting Defendant
 6 from ordering production of the documents, unless Plaintiffs' names and other
 7 identifying information, or the names of Plaintiffs' family members as herein
 8 requested, are redacted.

9 **COUNT 2 –CONST. OF STATE OF CALIFORNIA, ART. I, § 1**

10 34. Plaintiffs repeat, reallege, and incorporate the allegations in
 11 paragraphs 1-33 as if fully set forth herein.

12 35. By compelling the disclosure of the names or other identifying
 13 information of Plaintiffs or their family members, Defendant will unlawfully and
 14 substantially deprive Plaintiffs of the privacy rights secured by the Constitution of
 15 the State of California, Art. I, § 1.

16 36. Plaintiffs have no adequate remedy at law to avert this harm. Plaintiffs
 17 are entitled to a declaratory judgment and injunctive relief prohibiting Defendant
 18 from ordering production of the documents, unless Plaintiffs' names and other
 19 identifying information, or the names of Plaintiffs' family members as herein
 20 requested, are redacted.

21 **COUNT 3 – U.S. CONST. AMEND. I**

22 37. Plaintiffs repeat, reallege, and incorporate the allegations in
 23 paragraphs 1-36 as if fully set forth herein.

24 38. By compelling the disclosure of the names or other identifying
 25 information of Plaintiffs or their family members, Defendant will unlawfully and
 26 substantially deprive Plaintiffs of the religious liberties secured by the Free
 27 Exercise and Establishment Clauses of the First Amendment of the United States
 28 Constitution, in violation of 42 U.S.C. § 1983.

39. By compelling the disclosure of the names or other identifying information of Plaintiffs or their family members, Defendant will unlawfully and substantially deprive Plaintiffs of the protections afforded by the clergy-penitent privilege, in violation of California Evidence Code § 1033, which provides that “a penitent, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a penitential communication if he or she claims the privilege.”

40. Plaintiffs have no adequate remedy at law to avert this harm. Plaintiffs are entitled to a declaratory judgment and injunctive relief prohibiting Defendant from ordering production of the documents, unless Plaintiffs’ names and other identifying information, or the names of Plaintiffs’ family members as herein requested, are redacted.

PRAYER FOR RELIEF

Wherefore, Plaintiffs request judgment be entered in their favor and against Defendant as follows:

a. An order declaring that the Plaintiffs have protectable privacy rights in the documents that are subject to the May 17 Order.

b. An order granting preliminary injunctive relief from taking any action to enforce, implement, or otherwise achieve the document productions provided for in the May 17 Order as currently issued, with respect to the unredacted names or identifying information of Plaintiffs or their family members;

c. An order permanently enjoining Defendant from taking any action to enforce, implement, or otherwise achieve the document productions provided for in the May 17 Order as currently issued, with respect to the unredacted names or identifying information of Plaintiffs or their family members;

d. A judgment declaring that the May 17 Order, as currently issued, violates the United States Constitution and is null and void;

e. A judgment declaring that the May 17 Order, as currently issued,

1 violates the Constitution of the State of California, Art. I, § 1 and is null and void;

2 f. Damages in an amount to be determined at trial;

3 g. An award to Plaintiffs of their reasonable attorneys' fees and costs
4 under 42 U.S.C. § 1988; and

5 h. Such additional or different relief as the Court deems just and proper.

6 Date: August 23, 2018

Respectfully submitted,

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8 CROCKETT & ASSOCIATES

9 By /s/ Robert D. Crockett
10 Attorneys for Plaintiffs

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12 4812-0539-6075, v. 2
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